

F8
JMB
04/17/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

John D'Elia

Appl. No. 09/826,206

Filed: April 5, 2001

For: **Ketogulonigenium Shuttle Vectors**

Confirmation No. 2584

Art Unit: 1645

Examiner: *To be assigned*

Atty. Docket: 1533.1100001/MAC/DJN

First Supplemental Information Disclosure Statement

Commissioner for Patents
Washington, D.C. 20231

RECEIVED

APR 15 2002

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this First Supplemental Information Disclosure Statement is a continuation of the numbering in Applicant's First Information Disclosure Statement filed on May 23, 2001 in connection with the above-captioned application. A copy of each document is also provided.

The identification of these U.S. Patent Applications on Form 1449 is not to be construed as a waiver of secrecy as to these applications now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited applications and the art cited therein during examination.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates



should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered. This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

This Information Disclosure Statement is being filed more than three months after the U.S. filing date but before the mailing date of an office action. Accordingly, no fee is believed to be due.

Consideration of the cited documents and making the same of record in the prosecution of the above-identified application is respectfully requested. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Michele A. Cimbala
Michele A. Cimbala
Attorney for Applicants
Registration No. 33,851

Date: Apr. 12, 2002

1100 New York Avenue, N.W.
Suite 600
Washington, D.C. 20005-3934
(202) 371-2600